

IN The United State District Court
middle District of Alabama
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2006 JAN 31 A 9:55

Billy GAY AHS - 7164 9:55

V DEBRA P. HACKETT CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Gwendolyn Mosley

3:05-CV-1228-F

Motion to Amend

Into this Court Comes Billy AHS (AHS) by And through himself And would not submit The Following Amendment to this instant Habeas CORPUS Grounds #one #Withdrawal of Guilty Plea by the Addition of the Following FACT to be included to And to become A PART of this Issue.

The Plea Agreement WAS set up by the Attorney of Record "Tom Jones" within the two different case ⁽¹⁾ CC-90-007 CAPITAL MURDER GRAND JURY 66 (no date of indictment AVAILABLE).

⁽²⁾ CC-90-008 MURDER And theft 1st degree GRAND JURY 67-68 (Again no date AVAILABLE) The term of SAID Agreement WAS A Plea of guilty to murder with All other charges indictment being Dismissed, on the 4th day of February 1991 AHS did APPEAR in the Chambers of the Hon. Dale Segrest Circuit Judge For Randolph County being ACCOMPANIED by both court APPOINTED Attorneys with Jones being the deal MAKER And SPOKES man AHS did At that time enter A Plea of Guilty As Agreed to in the Plea BARGAIN Set up by Jones.

①

Judge DALE SEGREST There AFTER PROCEEDED to And did PRONOUNCE sentence UPON AINS BUT THE sentence beevied WAS GROSSLY beyond the term of the AGREED to BARGAIN. AINS WAS then sentenced A TERM OF life in PRISON AND Then A term of life in PRISON FOR A ALLEGED ROBBERY This is PURSUANT to CASE [REDACTED] CC-90-007 CAPITAL murder while CASE CC-90-008 murder & theft WAS NOLLE PROCESSED. (The sentencing ORDER ISSUED on the SAME day the Plea is entered has been Declared to be unconstitutional in the State of Alabama) Also the sentencing ORDER state All CHARGES ON Indictment #66 CASE NO CC-90-007 be dismissed it is ABUNDANTLY CLEAR FOR ANY PERSON Knowbeable in matters of LAW That the ACTION I the Hon. DALE SEGREST AND the PRESECUTOR, PLUS Tom Jones did violate not only the AINS Right of due PROCESS but his CLEARLY ESTABLISH Right to A FAIR TRIAL. AINS would ALSO submit Additional Ground on 4" Excessive sentence; AINS continues that he entered A Plea of guilty because he WAS ASSURED by Attorney Jones that his sentence would be Twenty (20) year on The Count of murder (not CAPITAL murder) AS the RECORDS will show AINS clearly lied to by Attorney Jones AND Recieved two Life Sentences to be RAN consecutively CLEARLY A GROSS MIS CARRIAGE of Justice has been had been had at the LAST EXPENSE of Billy AINS. Also AINS would bring one more Additional ISSUE Grounds No. 5 ACTUAL-FACTUAL Innocent the RECORDS will show that the State of Alabama does not now NOR did They ever have Evidence enough to sustain A conviction of ANY

type. AINS is clearly a victim of legal malpractice (Jones) prosecutor misconduct also judicial misconduct by and through the obvious conspiracy between the defense attorney Jones the DA? And Judge Segrest. AINS has been denied all of the following (A) Effective assistance of trial counsel. (B) The right to an original appeal. Pursuant to the instruction of attorney Jones assuring AINS that he would be paroled after serving ~~eight~~ (8) year in prison. When this lie became clear AINS began to seek post-conviction relief through the state court system to no avail therefore this now habeas corpus petition.

AINS submits the afore mentioned issue and now avers that they are true and factual to the best of his belief and knowledge and under the penalty of perjury as the records will show

Respectfully Submitted

Billy Gay Ains

Billy Gay AINS

The afore going was placed in the legal mail system at E.C.F. on this 30 day of JANUARY 2006

Certificate of Service

I AVER that A TRUE AND CORRECT COPY OF THE AFORE GOING
HAS BEEN SERVED UPON THE RESPONDENCE ATTORNEY BY
PLACING SAME IN THE LEGAL MAIL SYSTEM AT ECF,
PROPERLY ADDRESSED AND POSTAGE PREPAID.
DONE ON THIS THE 30TH DAY OF JANUARY 2006

Billy Alls
Billy Alls

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